

EXPRESS MAIL MAILING LABEL

Em354411625US

PATENT

Atty. Docket No.: CRP-070

COMBINED DECLARATION AND POWER OF ATTORNEY  
FOR PATENT APPLICATION

(Original, Design, National Stage of PCT, Supplemental,  
Divisional, Continuation or CIP)

As a below named inventor, I hereby declare that:

TYPE OF DECLARATION

This declaration is of the following type: (check one  
applicable item below)

- ☒ original  
☐ design  
☐ supplemental  
☐ national stage of PCT  
☐ divisional  
☐ continuation  
☐ continuation-in-part (CIP)

INVENTORSHIP IDENTIFICATION

My residence, post office address and citizenship are as  
stated next to my name, I believe I am the original, first and  
sole inventor (if only one name is listed below) or an original,  
first and joint inventor (if plural names are listed below) of  
the subject matter which is claimed and for which a patent is  
sought on the invention entitled:

TITLE OF INVENTION

MORPHOGEN-INDUCED NERVE REGENERATION AND REPAIR

the specification of which (check one):

X is attached hereto.

— was filed on \_\_\_\_\_ as  
Application Serial No. \_\_\_\_\_ or  
— Express Mail No. \_\_\_\_\_

Express Mail No., as Serial No. not yet known  
and was as follows:

and was amended on \_\_\_\_\_  
(if applicable). \_\_\_\_\_

\_\_\_\_\_ was described and claimed in PCT International  
Application No. \_\_\_\_\_ filed on  
\_\_\_\_\_ and as amended under PCT Article 19 on  
\_\_\_\_\_ (if any).

ACKNOWLEDGEMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR  
hereby state that:

I hereby state that I have reviewed and understand the contents of the specification, including the claims as amended by any amendment referred to herein.

I acknowledge the duty to disclose information which is material to the examination of this application with Title 37, Code of Federal Regulations, §1.56(a).

— In compliance with this duty there is attached an information disclosure statement. 37 CFR 1.97.

PRIORITY CLAIM

I hereby claim foreign priority benefits under Title 35, United States, §119 of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed.

Check one:

X no such applications have been filed.

— such applications have been filed as follows:

EARLIEST FOREIGN APPLICATION(S), IF ANY FILED WITHIN  
12 MONTHS (6 MONTHS FOR DESIGN) PRIOR TO  
THIS U.S. APPLICATION

| Country | Application Number | Date of Filing (mo., day, year) | Priority Claimed Under 37 USC 119 |   |
|---------|--------------------|---------------------------------|-----------------------------------|---|
| WO      | PCT/US92/01968     | March 11, 1992                  | <input type="checkbox"/> YES      | <input checked="" type="checkbox"/> NO <input type="checkbox"/> X |
|         |                    |                                 | <input type="checkbox"/> YES      | <input type="checkbox"/> NO <input type="checkbox"/>              |
|         |                    |                                 | <input type="checkbox"/> YES      | <input type="checkbox"/> NO <input type="checkbox"/>              |

ALL FOREIGN APPLICATION(S), IF ANY FILED MORE THAN  
12 MONTHS (6 MONTHS FOR DESIGN) PRIOR TO  
THIS U.S. APPLICATION

CLAIM FOR BENEFIT OF EARLIER U.S./PCT APPLICATION(S)

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application. As to subject matter of this application which is common to my earlier United States application, if any, described below, I do not believe that the same was ever known or used in the United States before my invention thereof or patented or described in any printed publication in any country before my invention thereof or more than one year prior to said earlier application, or in public use or on sale in the United States more than one year prior to said earlier application, that the said common subject matter has not been patented or made the subject of an inventor's certificate

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issued before the date of said earlier application in any country foreign to the United States on an application, filed by me or my legal representatives or assigns more than twelve months prior to said application and that no application for patent or inventor's certificate on said subject matter has been filed by me or my representatives or assigns in any country foreign to the United States except those identified herein.

|                          |                        |                             |
|--------------------------|------------------------|-----------------------------|
| <u>753,059</u>           | <u>August 30, 1991</u> | <u>pending</u>              |
| (Application Serial No.) | (Filing Date)          | (Status)                    |
| <u>667,274</u>           | <u>March 11, 1991</u>  | <u>pending</u>              |
| (Application Serial No.) | (Filing Date)          | (Status)                    |
|                          |                        | (patented, pending, aband.) |
| <u>752,764</u>           | <u>August 30, 1991</u> | <u>pending</u>              |
| (Application Serial No.) | (Filing Date)          | (Status)                    |
|                          |                        | (patented, pending, aband.) |

#### POWER OF ATTORNEY

As a named inventor, I hereby appoint the following attorneys and/or agents to prosecute this application and transact all business in the United States Patent and Trademark Office connected therewith:

|                       |                   |
|-----------------------|-------------------|
| Edmund R. Pitcher,    | Reg. No. 27,829   |
| Steven M. Bauer,      | Reg. No. 31,481   |
| Paula A. Campbell,    | Reg. No. 32,503   |
| Kathleen A. Williams, | Reg. No. 34,380   |
| Robin D. Kelley,      | Reg. No. 34,637   |
| Kristofer E. Elbing,  | Reg. No. 34,590   |
| Robert J. Tosti,      | Reg. No. 35,393   |
| Madeline I. Johnston, | Reg. No. P-36,174 |

Direct correspondence to:

Patent Administrator  
Creative BioMolecules, Inc.

35 South Street  
Hopkinton, Massachusetts 01748 U.S.A.

Direct telephone calls to: Robin D. Kelley  
(617) 248-7477

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(name and telephone number)

Wherefore I petition that letters patent be granted to me for the invention or discovery described and claimed in the attached specification and claims, and hereby subscribe my name to said specification and claims and to the foregoing declaration, power of attorney, and this petition.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

David C. Rueger  
Full name of sole or first inventor

\_\_\_\_\_  
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Date 7/30/92

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CHECK PROPER BOX(ES) FOR ANY OF THE FOLLOWING ADDED PAGE(S)  
WHICH FORM A PART OF THIS DECLARATION

- ☒ Signature for third and subsequent joint inventors.  
Number of pages added 2.
- ☐ Signature by administrator(trix), executor(trix) or  
legal representative for deceased or incapacitated  
inventor. Number of pages added \_\_\_\_.
- ☐ Signature for inventor who refuses to sign or cannot  
be reached by person authorized under 37 CFR 1.47.  
Number of pages added \_\_\_\_.
- ☐ Added pages to combined declaration and power of  
attorney for divisional, continuation, or continuation  
in-part (CIP) application. \_\_\_\_ Number of pages added.
- ☐ Authorization of attorney(s) to accept and follow  
instructions from representative.


If no further pages form a part of this Declaration then end this  
Declaration with this page and check the following item.

- ☐ This declaration ends this page.

08937756-092597

ADDED PAGES FOR ADDITIONAL INVENTORS

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7/30/92  
Date

299RDK2054/39.BI8

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EXPRESS MAIL MAILING LABEL

No. EM354411625 US

PATENT

Attorney's Docket No. CRP-070

Applicant or Patentee: David C. Rueger et al.

Serial or Patent No.: 0 / \_\_\_\_\_

Filed or Issued: July 31, 1992

For: Morphogen-Induced Nerve Regeneration and Repair

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY  
STATUS (37 CFR 1.9(f) and 1.27(c))—SMALL BUSINESS CONCERN**

I hereby declare that I am

- ☐ the owner of the small business concern identified below:  
☒ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF CONCERN Creative BioMolecules, Inc.

ADDRESS OF CONCERN 35 South Street  
Hopkinton, Massachusetts 01748

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.3-18, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third-party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed, to and remain with the small business concern identified above with regard to the invention, entitled

Morphogen-Induced Nerve Regeneration and Repair

by inventor(s) David C. Rueger, Thangavel Kuberasampath,  
Hermann Oppermann, Engin Ozkaynak, Roy H.L. Pang, Charles M. Cohen

described in

- ☒ the specification filed herewith.  
☐ application serial no. 0 / \_\_\_\_\_, filed \_\_\_\_\_  
☐ patent no. \_\_\_\_\_, issued \_\_\_\_\_

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below\* and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 CFR 1.9(d) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

\*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27).

NAME \_\_\_\_\_  
ADDRESS \_\_\_\_\_

☐ INDIVIDUAL      ☐ SMALL BUSINESS CONCERN      ☐ NONPROFIT ORGANIZATION


NAME \_\_\_\_\_  
ADDRESS \_\_\_\_\_

☐ INDIVIDUAL      ☐ SMALL BUSINESS CONCERN      ☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small business entity is no longer appropriate. (37 CFR 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING Charles M. Cohen  
TITLE OF PERSON OTHER THAN OWNER Chairman and Chief Scientific Officer  
ADDRESS OF PERSON SIGNING Creative BioMolecules, Inc., 35 South Street  
Hopkinton, Massachusetts 01748 U.S.A.

SIGNATURE  Date July 30, 1992